

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLE 12.6 OF THE AGREEMENT**

Questions Posed by the SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU,
KINMEN AND MATSU Regarding the Notification of the
PEOPLE'S REPUBLIC OF CHINA¹

The following communication, dated 7 October 2002, has been received from the Permanent Mission of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

Questions with regard to China's Transitional Review Mechanism (TRM) on Safeguards

1. Please explain the scope of "any natural person or other organization related to a domestic industry" as indicated in Article 3 of the notified Regulation. Please specify whether "any natural person or other organization" must be a producer within the domestic industry. At the time of filing, must the applicant provide the industry's production information and the evidence of the serious injury the applicant has encountered?
2. When considering the factors listed in Article 2 of the Regulation for serious injury, please specify whether it is consistent with the level set out in Article 4.1(a) of the Safeguard Agreement. If it is, please indicate whether this level ought to be specified in Article 2.
3. Please explain clearly what is meant by "promptly publish" in Article 9 of the Regulation, and its relevant procedures.
4. Article 15 of the Regulation stipulates that the responsible agencies (MOFTEC and SETC) must make preliminary determinations according to "the findings of their investigations", and Article 11 further requires the determinations shall be done "on the basis of objective facts and evidence". Please indicate the time-period from the initiation of investigation to preliminary determination.
5. Articles 5.2, 12.3 and 12.4 of the Safeguard Agreement each stipulate obligations to provide opportunity for consultations. Articles 22 and 25 of the Regulations implement those obligations under Articles 5.2 and 12.3 of the Safeguard Agreement. Please explain why there are no provisions dealing with obligations under Article 12.4 of the Safeguard Agreement.
6. Article 27 of the Regulation stipulated that the application of a safeguard measure shall not exceed eight years. Please explain the consistency of the said period with Article 7.3 of the Safeguard Agreement.

¹ G/SG/N/1/CHN/2

7. Please specify the conditions which identify "discriminatorily apply[ing] safeguard measures against Chinese exports" in Article 32 of the Regulation and describe the procedures for taking the "corresponding measures".
